

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6229 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? :

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RAJESHKUMAR AMBALAL PATEL

Versus

GUJARAT ELECTRICITY BOARD

Appearance:

1. Special Civil Application No. 6229 of 2002
MR JAYESH A DAVE for Petitioner No. 1
MR SP HASURKAR for Respondent No. 1
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CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 22/07/2002

ORAL JUDGEMENT

#. Rule returnable today. Mr.Hasurkar waives service of rule for the respondent. With the consent of the parties, the matter is taken up for final hearing today.

#. The facts of this case are similar to the facts of Special Civil Application No.3819 of 2002. In this matter also, the direction, which is issued in Special Civil Application No.3819 of 2002, is required to be issued. Under these circumstances, the following directions are given.:

- (i) The respondent board shall continue the present petitioner on his original post of helper and reinstatement order may be passed on or before 1.8.2002.
- (ii) On being appointed on the said post, the petitioner will clear the aforesaid pre-test examination within two chances and in order to see that the petitioner is permitted to appear by the apprentice board, the board will cooperate in the fullest manner and whatever the document including AP-3 form which are required to be submitted to the apprentice board, the board will submit the same.

#. Mr.Dave has also assured the Court that the petitioner will try to clear the aforesaid examination within the stipulated chances. In that view of the matter, it is clarified that, in case, the petitioner failed to clear the aforesaid examination within two chances, it will be open for the Board to take appropriate action in accordance with law for the purpose of terminating his services. It is clarified that, this order is passed in the facts and circumstances of the present case and the same shall not be treated as precedent in any other future cases. The petition is accordingly partly allowed. Rule is made absolute to the aforesaid extent with no order as to costs. Mr.Hasurkar has assured the Court that the Board will comply with this order and will reinstate the petitioner latest by 1.8.2002. Direct service is permitted.

(P.B.Majmudar, J)
(pathan)